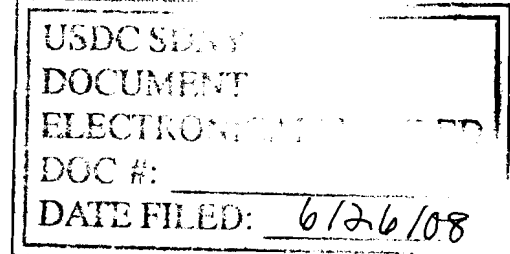


-----X  
STEAR 7 MFG'S  
Plaintiff(s),

**CONSENT TO PROCEED BEFORE  
UNITED STATES MAGISTRATE JUDGE**

-against-  
ALLSTATE INS. CO  
Defendant(s).  
-----X

08 CV 4769 (RMB) (DCF)



IT IS HEREBY STIPULATED by the undersigned:

1. All parties consent, pursuant to 28 U.S.C. § 636 (c) and Fed. R. Civ. P. 73, that a United States Magistrate Judge conduct all further proceedings in this action, including any trial and entry of final judgment.
2. Any appeal from a judgment entered in this case will lie to the Court of Appeals for the Second Circuit as from any other judgment of the district court pursuant to 28 U.S.C. § 636 (c) (3) and Fed. R. Civ. P. 73 (c).

\_\_\_\_\_  
Attorney(s) for Plaintiff(s)

Address: 1153A Morris Pkwy  
Bronx, NY 10461

Telephone: (718) 931-3131

\_\_\_\_\_  
Attorney(s) for Defendant(s)

Address: 445 Broad Hollow Rd  
Melville, NY 11747

Telephone: 631-390-0010

(Separately executed forms may be submitted. See Fed. R. Civ. P. 73 (b)).

**SO ORDERED:**

RMB 6/26/08  
Hon. Richard M. Berman, U.S.D.J.

Magistrate \_\_\_\_\_ was assigned this case on \_\_\_\_\_

J. Michael McMahon, Clerk

By: \_\_\_\_\_

Deputy Clerk

A copy of this Notice must be served by the plaintiff with the complaint on all adversary parties, and attached to any third-party complaint served by a defendant.

### **RIGHT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE**

Pursuant to 28 U.S.C. § 636 (c), and Federal Rule of Civil Procedure 73, and S.D.N.Y. Local Civil Rule 73.1, the United States Magistrate Judges of the Southern District of New York have jurisdiction, with consent of all parties, to conduct any or all proceedings in a civil case, including jury or non-jury trials, and order the entry of judgement. Trial before a Magistrate Judge proceeds in the same manner as trial before a District Judge.

The Magistrate Judge previously designated for the case will conduct the consent proceedings. If no Magistrate Judge has been designated, one will be drawn by lot to preside.

In accordance with 28 U.S.C. § 636 (c)(3) and Fed. R. Civ. P. 73 (c), appeal in a consent proceeding lies to the United States Court of Appeals for the Second Circuit as it would from any judgment of the district court.

The decision to consent, or not to consent, to proceed before a Magistrate Judge under § 636 (c) is entirely voluntary. Only if all parties to the case consent to the reference will either the District Judge or Magistrate Judge be informed of the decision. Fed. R. Civ. P. 73 (b).

If the parties in this action consent to proceed before a Magistrate Judge, the attached consent form should be signed by counsel for all parties and submitted to the Judgment and Orders Clerk in Room 120 of the Courthouse at 500 Pearl Street or Room 167 of the White Plains Courthouse. Separately executed forms may be submitted. See Fed. R. Civ. P. 73 (b).